IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5052 of 2007()

CRIME NO.224/2007 OF THE MANJESHWER POLICE STATION

: PETITIONER/ACCUSED

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1. NASER, AGE 29/07,
   S/O.MOHAMMED, BAYAR PADAVU, BAYAR, KASARAGOD.

2. SISKO MANJU @ ABDUL RAHMAN,
   THIVALAPPU, BAYAR PADAVU, BAYAR, KASARAGOD.

3. ABDUL VINSER,
   S/O C.H.MOHAMMED, BAYAR PADAVU, BAYAR,
   KASARAGOD.

4. JAMAL @ ISMAIL,
   S/O MOHAMMED KUNHI, BOLKATTA HOUSE,
   BAYAR PADAVU, BAYAR, KASARAGOD.

5. KURUKKAN RAZAK @ ABDUL RAZAK,
   S/O AHAMMED KUNHI, BAYAR PADAVU,
   BAYAR, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP.BY OF
THE SUB INSPECTOR OF POLICE,
MANJESHWER POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5052 of 2007

Dated this the 21st day of August, 2007

ORDER

Petitioners are accused 1 to 5 in a crime registered for offences punishable, inter alia, under Sections 452 and 324 r/w 149 I.P.C. The alleged incident took place on 21.05.07. The F.I.R is seen registered only on 21.07.07. The crux of the allegations is that the accused persons on account of animosity arising from an earlier incident had allegedly trespassed into the house of the defacto complainant and indulged in wanton criminal acts. They were armed with dangerous weapons also, it is alleged.

2. The learned counsel for the petitioners submits that the allegations are totally false. They are belated and are raised with oblique motives. No satisfactory explanation is offered as to why no complaint is filed for a period of two months, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail and in the circumstances to which I have made brief reference already, I am satisfied that the petitioners can be granted anticipatory bail. No further detailed discussion appears to be necessary.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 30.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 31.08.2007 and 01.09.2007 and thereafter between 10 a.m and 12 noon on all Mondays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 30.08.07 as directed in clause (1) above, he shall be released from

custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 30.08.07.

(R.BASANT, JUDGE)

rtr/-